

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION

PBM PRODUCTS, LLC and PBM  
NUTRITIONALS, LLC

Plaintiff,

v.

MEAD JOHNSON & COMPANY,

Defendant.

Action No. 3:09-CV-269

**ORDER**

THIS MATTER is before the Court on PBM's Motion for Judgment as a Matter of Law, which seeks to dismiss Mead Johnson's Lanham Act counterclaim based on the "compare to" language on PBM's baby formula labels. The Motion was made orally to the Court on November 9, 2009. For the reasons stated in the accompanying memorandum, PBM's Motion is GRANTED.

Let the Clerk send a copy of this Order to all counsel of record.

It is SO ORDERED.

\_\_\_\_\_/s/\_\_\_\_\_  
James R. Spencer  
Chief United States District Judge

ENTERED this 1st day of March 2010